Many of the authorities hold that a parol license cannot be revoked, after the licensee relying thereon has made expenditures. *Smith v. Green,* 109 Cal. 228. Even though there be no consideration given for the privilege. *School Dist. v. Lindsey,* 47 Mo. App. 134. Some of the courts hold that the doctrine of estoppel prevents the licensor from revoking in such instances. *Campbell v. Indianapolis & V. R. Co.,* 110 Ind. 490. Others, however, hold that the license may be revoked after a reasonable opportunity has been given to remove improvements made. *Kivett v. McKeittian,* 90 N. C. 106. But in many instances, the question of expenditure, consideration and notice has been disregarded, and it is held that the licensor may revoke at will. *Thoemke v. Fielder,* 91 Wis. 386.

RAILROADS—ACCIDENTS AT CROSSINGS—CONTRIBUTORY NEGLIGENCE.—KURT V. LAKE SHORE & M. S. RY. CO., 111 N. Y. SUPP. 859.—*Held,* that a person, going before daylight around a train obstructing a crossing, is not guilty of contributory negligence as a matter of law in failing to see a train on another track, backing at great speed without signals or other warning and without lights except such as are usually placed at the back end of trains. McLennan, P. J. and Spring, J., *dissenting.*

To be innocent of contributory negligence in such cases, the injured must have exercised that degree of care which the danger of the particular crossing requires of an ordinarily prudent person. *Fitzhugh v. Boston & Maine R. R. Co.,* 80 N. E. 792. The almost universal rule is that one must both look and listen vigilantly; *Salter v. Utica & B. R. Co.,* 75 N. Y. 273; and continuously until out of danger. *Thompson v. N. Y. Cent. R. Co.,* 33 Hun. 16. One is not bound, however, to see or hear the danger; *Greany v. L. I. R. Co.,* 101 N. Y. 419, and a pedestrian who had looked and listened and who was struck in the night time by a train backing rapidly without lights or signals, was held not to be guilty of contributory negligence. *Garran v. Mich. Cent. R. Co.,* 144 Mich. 26. Leaving a street crossing in order to pass a train which is blocking the same, does not constitute contributory negligence. *Robinson v. Western Pac. R. Co.,* 48 Cal. 409.

RAILROADS—INJURIES TO A TRESPASSER.—MORRIS V. GEORGIA R. & BANKING CO., 62 S. E. 579 (GA.).—Plaintiff was riding on the engine of a passenger train by invitation of the conductor, engineer and fireman, and without paying or intending to pay any fare. It did not appear that there was any custom permitting persons to so ride. *Held,* that plaintiff was a trespasser, and that his widow had no cause of action against the company.

A master is liable for the acts of his servants, done in the course of their employment, although they are done in disobedience of the master's orders. *Philadelphia & Reading R. R. Co. v. Derby,* 55 U. S. 468; *Wood on Railroads,* p. 1382. But most of the authorities say that a conductor is not authorized to invite a person to ride without paying a fare. And it is not within the scope of his employment to invite a person to ride on the engine. *Files v. Boston & Albany R. R.,* 149 Mass. 204. Accordingly, there is no liability on the company in such an instance. *Railway Co. v. Cox,* 66 Ohio St. 276. Especially, if defendant knew that the rules of the